

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM STANFORD, JR., individually and on behalf
of all other similarly situated persons and on behalf of the
Foamex L.P. Savings Plan,
Plaintiff,

v.

FOAMEX L.P., *et al.*,
Defendants.

CIVIL ACTION

NO. 07-4225

Order

AND NOW this ____ day of September, 2009, upon consideration of plaintiff William Stanford Jr.'s motion for class certification (Doc. No. 71), defendants' (Foamex L.P. Benefits Committee, Fidelity Management Trust Co., K. Douglas Ralph and Stephen Drap) responses, plaintiff's reply, and Fidelity Management Trust Co.'s sur-reply, **IT IS HEREBY ORDERED** that plaintiff's motion is **GRANTED** and the action is certified as a class action under Federal Rule of Civil Procedure 23(b)(1)(A)(B).

It is **FURTHER ORDERED**, pursuant to Rule 23(c)(1)(B) of the Federal Rules of Civil Procedure, that:

1. The certified class is defined as: All individuals invested in the Foamex Stock Fund on September 22, 2005, except individuals who were members of the Foamex Benefits Committee at any time between September 22, 2005 and December 31, 2006, the members of their immediate families, and their heirs, successors or assigns.
2. Counts I-VI of plaintiff's third amended complaint constitute the claims certified for adjudication in this class action.
3. William Stanford, Jr. shall be the class representative.

4. Attorneys Richard E. Spoonemore, Charles H. Thulin, and Kent Cprek shall serve as class counsel.
5. Counsel for the parties shall submit by letter their suggestions for giving notice to the class members within fourteen days of the date hereof.

s/William H. Yohn Jr.

William H. Yohn Jr., Judge